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Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

SHIBATA et al.

Application No.: 09/885,046

Filed: June 12, 2001



Confirmation No.: 3630

Group Art Unit: 2811

Examiner: Hu, Shouxiang

Title: GROUP III NITRIDE COMPOUND SEMICONDUCTOR
DEVICE AND METHOD FOR PRODUCING THE SAME

* * * *

February 12, 2002

REPLY TO RESTRICTION REQUIREMENT

Hon. Commissioner of Patents
and Trademarks
Washington, DC 20231

Sir:

In reply to the Restriction Requirement dated January 23, 2002, Applicants hereby provisionally elect the invention of Group I, claims 1-7. In reply to the Election of Species Requirement, Applicants hereby provisionally elect Species I, Figure 5. It is respectfully submitted that claims 1-5 and 7 read on the elected species. In addition, as indicated in the January 23 Restriction Requirement, claim 1 at least, is generic. These elections are made with traverse.

It is respectfully submitted that the subject matter of Groups I and II are sufficiently related that the search and examination of any one group would necessarily encompass the search and examination of the remaining group. In addition, it is further respectfully submitted that the subject matter of Species I-III are sufficiently related so that the search and examination of any one species would necessarily encompass the search and examination of the remaining species. In particular, it is respectfully noted that the election of Species I has resulted in the search and examination of six of the seven claims of Group I.

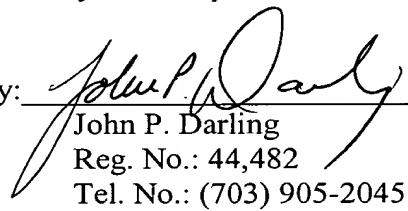
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MPEP §803 states that “If the search and examination of an entire application can be made without serious burden, the examiner must examiner it on the merits, even though it includes claims to independent or distinct inventions.” It is respectfully submitted that this policy should apply in order to prevent duplicative examination by the Patent Office and unnecessary expense to Applicants.

Reconsideration and withdrawal of the Restriction Requirement are respectfully requested.

Respectfully submitted,

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